

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH SCOTT,

Plaintiff,

Case No. 1:21-cv-851

v.

Honorable Ray Kent

JOHN CHRISTIANSEN et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Earnest C. Brooks Correctional Facility, (LRF) in Muskegon Heights, Muskegon County, Michigan, though the events giving rise to Plaintiff's action occurred at the Central Michigan Correctional Facility (STF) in St. Louis, Gratiot County, Michigan. Plaintiff sues STF Warden John Christiansen, STF Assistant Deputy Warden Michael Desco, and STF Inspector Douglas Krause. In his *pro se* complaint, Plaintiff alleges that following his participation in a peaceful protest at STF regarding the prison's handling of COVID-19, he was targeted for punishment because of his race.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events underlying the complaint occurred in Gratiot County. Defendants are public officials serving in Gratiot County, and they "reside" in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Gratiot County

is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).

Dated: December 8, 2021

/s/ Ray Kent
Ray Kent
United States Magistrate Judge